

BEFORE THE
Federal Communications Commission

WASHINGTON, DC

In the Matter of:)
)
ICO SERVICES LIMITED) RM No. 9328
)
Petition for Expedited Rulemaking to)
Establish Eligibility Requirements for)
the 2 GHz Mobile Satellite Service)

TO: Chief, International Bureau

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MOBILE COMMUNICATIONS HOLDINGS, INC. COMMENTS
ON RESPONSE OF IRIDIUM LLC
TO SURREPLY OF ICO SERVICES LIMITED

Mobile Communications Holdings, Inc. ("MCHI"),¹ by its attorneys, hereby
submits these Comments on the Response of Iridium LLC² to the Surreply of ICO

¹ MCHI filed an application in the 2 GHz processing round seeking Federal Communications Commission authorization to launch and operate a second generation satellite system consisting of 26 non-geostationary ("NGSO") satellites in elliptical and circular low earth orbits (the "ELLIPSO 2G" system) in the 2 GHz band for the provision of voice and data communications services. See FCC File No. 180-SAT-P/LA-97(26). In addition, MCHI holds an authorization to construct, launch, and operate a global "Big LEO" satellite system comprised of 16 NGSO satellites in elliptical and equatorial low earth orbits (the "ELLIPSO" system) for the provision of voice, data, paging/messaging, and other narrowband communications services on a global basis. FCC File Nos. 11-DSS-P-91(6); 18-DSS-P-91(18); 11 SAT-LA-95; 12 SAT-AMEND-95; 158-SAT-AMEND-96.

² Response to Surreply, filed by Iridium LLC (Oct. 28, 1998) ("Response").

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Services Limited.³ MCHI concurs with Iridium's position that the adoption of ICO's proposal for a separate, initial processing round for new entrants⁴ is contrary to the public interest and was proposed "so that ICO Services [can] attempt to clear the field of . . . competitors and not so that the Commission [can] enhance competition."⁵ It is not appropriate for the Federal Communications Commission at this time to consider providing ICO with special or preferential treatment⁶ in the 2 GHz proceeding.⁷ Rather, the Commission should review all applications to provide Mobile-Satellite Service in the 2 GHz Spectrum⁸ to determine whether the applications are mutually exclusive and how the 2 GHz Spectrum can be utilized most efficiently to accommodate the greatest number

³ Motion to File Leave to File Surreply Comments and Surreply Comments of ICO Services Limited (Oct. 13, 1998) ("ICO Surreply").

⁴ See ICO Surreply, at 2.

⁵ Response, at 6

⁶ See Opposition of Mobile Communications Holdings, Inc. to Petition For Expedited Rulemaking of ICO Services Limited (Aug. 27, 1998), at 8 & n.17 ("In affect, ICO suggests that the Commission provide ICO with immediate, exclusive, and unfettered access to the entire 2 GHz Spectrum while the Commission proceeds to review other applications.").

⁷ Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service, First Report and Order and Further Notice of Proposed Rulemaking, 12 FCC Rcd 7388 (1997); see also Satellite Applications and Letters of Intent Accepted for Filing in the 2 GHz Band, Public Notice, Report No. SPB-119 (rel. March 19, 1998; Clarifications and Corrections to Public Notices Report Nos. SPB-88 and SPB-89 Establishing Deadlines for Applications, Letters of Intent, and Amendments to Applications in the 2 GHz and 36-51.4 GHz Frequency Bands, Public Notice, 12 FCC Rcd 12050 (Aug. 13, 1997); Cut-off Established for Additional Space Station Applications, Letters of Intent, and Amendments to Pending Applications in the 2 GHz Frequency Band, Public Notice, 12 FCC Rcd 10446 (July 22, 1997).

⁸ The Commission has allocated 70 MHz of spectrum in the 2 GHz band—1990-2025 MHz and 2165-2200 MHz—for the provision of MSS by global satellite systems.

of applicants.⁹ Until this process has been completed, further discussion of the appropriate definition of the term “affiliate” is premature, unwarranted, and a waste of scarce Commission resources.¹⁰

Respectfully Submitted,

MOBILE COMMUNICATIONS
HOLDINGS, INC.

/s/ Jill Abeshouse Stern

Jill Abeshouse Stern, Esq.
Senior Vice President and General Counsel
Gerald B. Helman
Vice President International
and Governmental Affairs
MOBILE COMMUNICATIONS
HOLDINGS, INC.
Two Lafayette Center
1133 Twenty-First Street, N.W.
Washington, D.C. 20036
(202) 466-4488

Tom Davidson, Esq.
Phil Marchesiello, Esq.
AKIN, GUMP, STRAUSS,
HAUER & FELD, L.L.P.
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, D.C. 20036
(202) 887-4000

Date: November 17, 1998

⁹ MCHI has recommended that the Commission initiate a negotiated rulemaking to facilitate formal discussions between the applicants and, thereby, to realize the efficiencies that can be gained through spectrum sharing among applicants. Consolidated Reply Comments of Mobile Communications Holdings, Inc. (June 3, 1998), at 8-11.

¹⁰ See Response, at 6 (“ICO Services is disrupting the Commission’s work in the 2 GHz proceeding and wasting time and resources of the Commission and other parties while at the same time it complains to the rest of the world that the FCC is slow rolling its application.”).

Certificate of Service

I, Sonya N. Hebert, do hereby certify that the foregoing **COMMENTS ON RESPONSE TO ICO'S SURREPLY** was delivered, via hand delivery, on this 16th day of November, 1998, to the following:

<p>*Francis D.R. Coleman Director Regulatory Affairs – North America ICO Global Communications 1101 Connecticut Avenue, N.W. Washington, DC 20036</p>	<p>*Cheryl A. Tritt *Susan H. Crandall Morrison & Foerster, LLP 2000 Pennsylvania Avenue, N.W. Washington, DC 20006 Counsel for ICO Services Limited</p>
<p>Chairman William E. Kennard Federal Communications Commission 1919 M Street, N.W., Room 814 Washington, D.C. 20554</p>	<p>Christopher J. Wright General Counsel Federal Communications Commission 1919 M Street, N.W., Room 614 Washington, D.C. 20554</p>
<p>Commissioner Susan Ness Federal Communications Commission 1919 M Street, N.W., Room 832 Washington, D.C. 20554</p>	<p>Regina Keeney Chief International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 830 Washington, D.C. 20554</p>
<p>Commissioner Harold Furchtgott-Roth Federal Communications Commission 1919 M Street, N.W., Room 802 Washington, D.C. 20554</p>	<p>James L. Ball Associate Bureau Chief International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 820 Washington, D.C. 20554</p>


<p>Commissioner Michael Powell Federal Communications Commission 1919 M Street, N.W., Room 844 Washington, D.C. 20554</p>	<p>Mindy Ginsburg Deputy Bureau Chief International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 818 Washington, D.C. 20554</p>
<p>Commissioner Gloria Tristani Federal Communications Commission 1919 M Street, N.W., Room 826 Washington, D.C. 20554</p>	<p>Fern Jarmulnek Chief, Satellite Policy Branch Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 518 Washington, DC 20554</p>
<p>Rosalee Chiara Deputy Chief Satellite Policy Branch Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 516 Washington, DC 20554</p>	<p>Linda Haller Senior Legal Advisor Satellite Policy Branch Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 800 Washington, DC 20554</p>
<p>Thomas Tycz Chief Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 811 Washington, DC 20554</p>	<p>Cassandra Thomas Deputy Chief Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 810 Washington, DC 20554</p>
<p>Karl Kensinger Special Advisor Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 514 Washington, DC 20554</p>	<p>John Martin Satellite Engineering Branch Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 513 Washington, DC 20554</p>

<p>Christopher Murphy Satellite Policy Branch Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 800 Washington, DC 20554</p>	<p>Alexander Royblat Satellite Engineering Branch Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 800 Washington, DC 20554</p>
<p>*Mark A. Grannis Harris, Wiltshire & Grannis LLP 1200 Eighteenth Street, N.W. Washington, D.C. 20036 Counsel for North American GSM Alliance LLC & Teledesic LLC</p>	<p>*Robert A. Mazer *Albert Shuldiner Vinson & Elkins, LLP 1455 Pennsylvania Avenue, N.W. Washington, D.C. 20004 Counsel for Constellation Communications, Inc.</p>
<p>*Norman P. Leventhal *Walter P. Jacob *Philip A. Bonomo Leventhal, Senter & Lerman PLLC 2000 K Street, N.W., Suite 600 Washington, D.C. 20006 Counsel for ICO USA Service Group</p>	<p>*William D. Wallace Crowell & Moring LLP 1001 Pennsylvania Avenue, N.W. Washington, DC 20004 Counsel for Globalstar, L.P.</p>
<p>*Thomas J. Keller Verner, Liipfert, Bernhard, McPherson, and Hand, Chartered 901 15th Street, N.W., Suite 700 Washington, D.C. 20005 Counsel for Iridium, LLC</p>	<p>*Gregory C. Staple Koteen & Naftalin, L.L.P. 1150 Connecticut Avenue, N.W. Washington, D.C. 20036 Counsel for TMI Communications and Company, Limited Partnership</p>
<p>*Antoinette Cook Bush John C. Quale Skadden, Arps, Slate, Meagher & Flom LLP 1440 New York Avenue, N.W. Washington, D.C. 20005 Counsel for Celsat America, Inc.</p>	<p>*Robert J. Miller *Emily S. Barbour Gardere & Wynne, L.L.P. 1601 Elm Street Suite 3000 Dallas, TX 75201 Counsel for Telecommunications Industry Association</p>

<p>*F. Thomas Tuttle Vice President and General Counsel</p> <p>*Patricia A. Mahoney Assistant General Counsel Regulatory and Trade Policy Iridium LLC 1575 I Street, N.W., 8th Floor Washington, D.C. 20005</p>	<p>Rebecca Arbogast Senior Legal Advisor International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 800 Washington, DC 20554</p>
<p>Cecily Holiday Deputy Chief, Satellite and Radiocommunications Division International Bureau Federal Communications Commission 2000 M Street, N.W., Suite 520 Washington, DC 20554</p>	<p>Damon Ladson Deputy Chief International Bureau Planning and Negotiations Division Federal Communications Commission 2000 M Street, N.W., Suite 521 Washington, DC 20554</p>
<p>*Warren Grace Director General Inmarsat 99 City Road London EC1Y 1AX United Kingdom</p>	<p>*Joseph P. Markoski *Herbert E. Marks *David A. Nall *Bruce A. Olcott Squire, Sanders & Dempsey L.L.P. P.O. Box 407 1201 Pennsylvania Avenue, N.W. Washington, D.C. 20044 Counsel for The Boeing Company</p>
<p>*John L. Bartlett Wiley, Rein, & Fielding 1776 K Street, N.W. Washington, D.C. 20006 Counsel for Aeronautical Radio, Inc.</p>	<p>*Peter D. Sloane Office of the Group Counsel Information, Space & Defense Systems Group The Boeing Company P.O. Box 3999, M/S 84-10 Seattle, WA 98124</p>
<p>*James G. Pachulski 1320 North Court House Road 8th Floor Arlington, VA 22201 Counsel for Bell Atlantic</p>	<p>*Nils Rydbeck Vice President Research & Development Chief Technical Officer Ericsson Mobile Phones & Terminals 7001 Development Drive Research Triangle Park, NC 27709</p>

<p>*Denis Couillard, Chairman *Eric Schimmel, Vice President Telecommunications Industry Association 2500 Wilson Boulevard Suite 300 Arlington, VA 22201</p>	<p>*Leonard R. Raish Fletcher, Heald & Hildreth, P.L.C. 11th Floor 1300 N. 17th Street Rosslyn, VA 22209 Counsel for Telecommunications Industry Association</p>
<p>*Peter A. Rohrbach Karis A. Hastings Hogan & Hartson L.L.P. 555 13th Street, N.W. Washington, D.C. 20004 Counsel for GE American Communications, Inc.</p>	<p>*Raymond G. Bender *Carlos M. Nalda Dow, Lohnes & Albertson, PLLC 1200 New Hampshire Avenue, N.W. Suite 800 Washington, D.C. 20036 Counsel for Lockheed Martin Corporation</p>
<p>*Philip V. Otero Senior Vice President and General Counsel GE American Communications, Inc. Four Research Way Princeton, NJ 08540</p>	<p>*Jill Abeshouse Stern Senior Vice President and General Counsel *Ambassador Gerald B. Helman Vice President, International and Governmental Affairs Mobile Communications Holdings, Inc. Two Lafayette Center 1133 Twenty-first Street, N.W. Washington, D.C. 20036</p>
<p>*John P. Janka Latham & Watkins 1001 Pennsylvania Avenue, N.W. Suite 1300 Washington, D.C. 20004 Counsel for Hughes Communications Galaxy, Inc.</p>	<p>*Gary M. Epstein *John P. Janka *James H. Barker Latham & Watkins 1001 Pennsylvania Avenue, N.W. Suite 1300 Washington, D.C. 20004 Counsel for Hughes Electronics Corporation</p>
<p>*Philip L. Spector *Jeffrey H. Olson *Patrick S. Campbell Kira A. Merski Paul, Weiss, Rifkind, Wharton & Garrison 1615 L Street, N.W. Suite 1300 Washington, D.C. 20036 Counsel for Mobile Communications Holdings, Inc.</p>	<p>*Gerald Musarra Senior Director, Commercial Policy & Regulatory Affairs Space & Strategic Missiles Sector Lockheed Martin Corporation 1725 Jefferson Davis Highway Suite 403 Arlington, VA 22202</p>

<p>*Philip L. Spector *Jeffrey H. Olson *Diane C. Gaylor Paul, Weiss, Rifkind, Wharton & Garrison 1615 L Street, N.W. Washington, D.C. 20036 Counsel for Skybridge, L.L.C.</p>	<p>*Benjamin J. Griffin Reed, Smith, Shaw & McClay 1301 K Street, N.W., East Tower Suite 110 Washington, D.C. 20005 Counsel for Primestar Partners, L.P.</p>
<p>*Paul J. Sinderbrand *William W. Huber Wilkinson, Barker, Knauer & Quinn, L.L.P. 2300 N Street, N.W. Washington, D.C. 20037 Counsel for The Wireless Cable Association International, Inc.</p>	<p>*Henry Goldberg *Joseph A. Godles *Mary J. Dent *W. Kenneth Ferree Goldberg, Godles, Wiener & Wright 1229 19th Street, N.W. Washington, D.C. 20036 Counsel for PanAmSat Corporation</p>
<p>*Marvin Rosenberg Holland & Knight 2100 Pennsylvania Avenue, N.W. Suite 400 Washington, D.C. 20036 Counsel for United States Satellite Broadcasting Company, Inc.</p>	<p>*Karen E. Watson Director, Government Relations Echostar Communications Corporation 1850 M Street, N.W. Suite 1070 Washington, D.C. 20036</p>
<p>*International Transcription Service 1231 20th Street, N.W. Washington, D.C. 20037</p>	


 Sonya N. Hebert

* Delivered VIA FIRST CLASS MAIL